IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1 OF 1998

The State of Maharashtra ..Appellants

versus

Hari Karbhari Waghchoure ..Respondent

Mr. S. N. Gawade, AGP for the Appellants - State.

Mr. R. M. Haridas i/b. P. N. Joshi for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 28TH JANUARY,2005

ORAL ORDER :

1. Heard learned AGP for the Appellants - State and the counsel for the respondent.

2. 24 Ares and 1 Hectare and 16 Ares land of the claimant - respondent was acquired by the Government. Notification under Section 4 was of 30.4.1987. Date of Award was 13.9.1988. SLAO granted compensation at Rs.4,500/- per hectare claimant claimed Rs.55,000/- per hectare. The court granted Rs.26,000/= per hectare. Hence this appeal filed by the State.

3. Learned AGP pointed out that though no sale instances were proved by the claimant, compensation was awarded to him at Rs.26,000/- per hectare on the basis of another Judgment in Reference given by the court vide Exhibit 25. That was in respect of land from the same village. It was a dry crop land and therefore the court in that case granted Rs.24,000/- but since that judgment was of 1981 and present acquisition of 1988 the court granted escalation of price and awarded Rs.26,000/=.

4. If the court had accepted its own earlier judgment in reference Exhibit 25 and has granted some escalation looking to the time span then compensation awarded by the court is adequate and proper. No interference is called for. Appeal is dismissed with no order as to costs.

28.1.2005 (D.G. DESHPANDE,J.)